

Zoning Text Amendment No.: 17-03
Concerning: Accessory Residential
Uses – Short-Term Rental
Draft No. & Date: 1 – 6/1/17
Introduced: June 13, 2017
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- modify the definition of “Household Living”;
- define “Short-Term Residential Rental”;
- establish limited use standards for short-term residential rental; and
- generally amend provisions allowing for short-term residential rentals

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59.1.4. “Defined Terms”
Section 59.1.4.2. “Specific Terms and Phrases Defined”
DIVISION 59-3.1. “Use Table”
Section 59-3.1.6. “Use Table”
DIVISION 59.3.3. “Residential Uses”
Section 59.3.3.3. “Accessory Residential Uses”
DIVISION 59-3.5. “Commercial Uses”
Section 59-3.5.6. “Lodging”
DIVISION 8.2. “Residential Floating Zones”
Section 8.2.3. “Use Table for the RT and R-H Zones”
DIVISION 8.3. “Planned Unit Development Zones”
Section 8.3.2. “PD Zone”

And adding the following section:

Section 3.3.3.I. “Short-Term Residential Rental”

EXPLANATION: **Boldface** indicates a Heading or a defined term.
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 3. DIVISION 59.3.3 is amended as follows:

DIVISION 59.3.3. Residential Uses

Section 3.3.1. Household Living

A. Defined, In General

Household Living means the residential occupancy of a dwelling unit by a household [on a monthly or longer basis] for 30 consecutive days or longer.

* * *

Section 59-3.3.3. Accessory Residential Uses

* * *

I. Short-Term Residential Rental

1. Defined

Short-Term Residential Rental means the residential occupancy of a dwelling unit for a fee for less than 30 consecutive days. Short-Term Residential Rental is not a Bed and Breakfast.

2. Use Standards

Where Short-Term Residential Rental is allowed as a limited use, it must satisfy the following standards:

- a. Short-Term Residential Rental is prohibited in a Farm Tenant Dwelling or on a site that includes an Accessory Apartment.
- b. The dwelling unit used as a Short-Term Rental must be the applicant's primary residence, regardless of dwelling unit type.
- c. If the applicant is not present in the residence, the property can be used as a Short-Term Residential Rental for a maximum of 90 days in a calendar year. If the applicant is present in the residence during the rental stay, there is no limitation on the number of days the property can be used as a Short-Term Residential Rental.

- 44 d. The use must be licensed under Chapter 54.
- 45 e. The maximum number of occupants is limited by Chapter 26,
- 46 Section 5; however, the total number of overnight guests in the
- 47 Short-Term Residential Rental who are 18 years or older is
- 48 limited to six, and the total number of overnight guests over 18
- 49 years of age per bedroom is limited to two.
- 50 f. One off-street parking space must be provided for each rental
- 51 contract unless the online listing indicates that vehicle parking
- 52 is prohibited.

53 * * *

54 **Sec. 4. DIVISION 59-3.5 is amended as follows:**

55 **Division 3.5. Commercial Uses**

56 * * *

57 **Section 3.5.6. Lodging**

58 **A. Defined, In General**

59 Lodging means a building, dwelling unit, or a portion of a dwelling unit used
60 for the short-term overnight accommodation of paying guests.

61 **B. Bed and Breakfast**

62 **1. Defined**

63 Bed and Breakfast means a detached house that is owner-occupied
64 with no more than 5 guest rooms for rent and customarily serves
65 breakfasts to guests. A Bed and Breakfast is not a Short-Term
66 Residential Rental.

67 * * *

68 **Sec. 5. DIVISION 59-8.2 is amended as follows:**

69 **Division 8.2. Residential Floating Zones**

70 * * *

71 **Section 8.2.3. Use Table for the RT and R-H zones**

72 A. Section 3.1.1 through Section 3.1.4 apply to the Use Table in Section 8.2.3.

73 B. The following Use Table identifies uses allowed in each zone. Uses may be
74 modified in Overlay zones under Division 4.9.

USE OR USE GROUP	Definitions and Standards	RT-6.0	RT-8.0	RT-10.0	RT-12.5	RT-15.0	R-H
* * *							
RESIDENTIAL							
* * *							
Accessory Residential Uses	3.3.3						
* * *							
<u>Short-Term Residential Rental</u>	<u>3.3.3.I</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>	<u>L</u>
* * *							

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76 **Sec. 6. DIVISION 59-8.3 is amended as follows:**

77 **Division 8.3. Planned Unit Development Zones**

78 * * *

79 **Section 8.3.2. PD Zone**

80 * * *

81 **B. Uses**

82 **1. Residential Uses**

83 * * *

84 c. Short-Term Residential Rental is allowed as a limited use under
85 Section 3.3.3.I.

86 * * *

87 **Sec. 7. Effective date.** This ordinance becomes effective 20 days after the
88 date of Council adoption.

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90 This is a correct copy of Council action.

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92 _____

93 Linda M. Lauer, Clerk of the Council